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Attorneys for Plaintiff

TELESOCIAL, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

TELESOCIAL INC.,

Plaintiff,

v.

ORANGE S.A., *et al.*,

Defendants.

Case No. 3:14-cv-03985-JD

**MOTION AND [PROPOSED] ORDER
EXTENDING THE BRIEFING DEADLINES
FOR ORANGE'S THREE DAUBERT
MOTIONS AND SUMMARY JUDGMENT
MOTION ON ALL CLAIMS IN THE CASE**

Ctrm: 11, 19th Floor

Judge: Honorable James Donato

1 Plaintiff Telesocial Inc. (“Telesocial”) respectfully requests a one-week extension to oppose four
 2 motions refiled by Defendants Orange, S.A., et al. (“Orange”), one seeking summary judgment on all six
 3 of Telesocial’s claims and three seeking to exclude all testimony from three of Telesocial’s expert
 4 witnesses. The parties have met and conferred, and Orange opposes Telesocial’s request for an extension.
 5 In support of this motion, Telesocial states as follows:

6 At the January 18, 2017 hearing regarding pre-trial motions, the Court ordered: “the pending
 7 summary judgment and *Daubert* motions are terminated without prejudice to being refiled by January 25,
 8 2017. Orange may submit no more than 250 pages of supporting materials for its motions and Telesocial
 9 may submit no more than 75 pages.” D.E. 195.

10 In light of the Court’s instructions, Telesocial elected not to refile its sole *Daubert* motion. For its
 11 part, Orange refiled a summary judgment motion again addressing all of Telesocial’s claims, and refiled
 12 three *Daubert* motions addressing the same Telesocial experts as before. *See* D.E. 198(1-15), 200(1-7),
 13 202(1-5), 204(1-4). While Orange reduced the size of its supporting exhibits from 2,000 pages to
 14 approximately 230 pages, the relief Orange seeks is identical:

15 (1) summary judgment on all six of Telesocial’s claims, including claims for
 16 violation of the Computer Fraud and Abuse Act, violation of the California
 17 Comprehensive Computer Data Access and Fraud Act, breach of contract and the
 18 covenant of good faith and fair dealing, trade secret misappropriation and California
 Unfair Competition law, D.E. 198-15; and

19 (2) the exclusion of all opinions offered by two Telesocial damages experts and
 one Telesocial technical expert. D.E. 200-7, 202-5, and 204-4.

20 Likewise, the scope of the briefing submitted by Orange is similar, and still includes 63 pages (as
 21 compared to 67 pages before) of detailed factual and legal argument. *See* Exs. A–D (redlines comparing
 22 the tables of contents for Orange’s motions).

23 Local Rule 7-3 provides for 14 days for Telesocial to respond to these four motions filed by
 24 Orange. However, given that Orange did not change the relief it seeks, Telesocial still must respond to
 25 summary judgment arguments on all of its claims and address complex expert issues regarding the
 26 technical analyses of the parties’ respective technology, and the appropriate measure of damages alleged
 27 by Telesocial. In order to address the substantial scope of these factual and legal arguments, Telesocial
 28 respectfully submits that good cause for a one-week extension exists.

With the requested extension, there will still be slightly more time than provided under Local Rule 7-2 for a regularly-noticed motion between the filing of Orange's reply briefs and the hearing before this Court, scheduled for March 9, 2017 (15 days as compared to 14 days for a standard motion). For these reasons, Telesocial respectfully requests that this Court enter the following schedule:

| Event | Existing Schedule | Amended Schedule |
|---|-------------------|-------------------|
| File dispositive and <i>Daubert</i> motions filed | January 25, 2017 | N/A |
| Last day to oppose dispositive and <i>Daubert</i> motions | February 8, 2017 | February 15, 2017 |
| Last day to reply re dispositive and <i>Daubert</i> motions | February 15, 2017 | February 22, 2017 |
| Oral argument on dispositive and <i>Daubert</i> motions | March 9, 2017 | March 9, 2017 |
| Pretrial conference | March 23, 2017 | March 23, 2017 |
| Jury Trial | April 10, 2017 | April 10, 2017 |

Telesocial is available at the Court's convenience for a conference should the Court wish to discuss these matters.

Dated: January 26, 2017

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By:

/s/Todd Briggs
TODD M. BRIGGS

Attorneys for Plaintiff
Telesocial Inc.

[PROPOSED] ORDER

IT IS SO ORDERED.

Dated: January 31, 2017

